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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROBERTO VERTHELYI, on behalf
of himself and all others similarly
situated,

Plaintiff,

v.

PENNYMAC MORTGAGE
INVESTMENT TRUST; PNMAC
CAPITAL MANAGEMENT, LLC,

Defendants.

Case No. 2:24-cv-05028-MWF

**DEFENDANTS' REQUEST FOR
JUDICIAL NOTICE IN SUPPORT
OF THEIR REPLIES IN SUPPORT
OF MOTIONS TO DISMISS
PLAINTIFF'S COMPLAINT**

Hearing Date: Nov. 18, 2024
Time: 10:00 a.m.
Place: Courtroom 5A
Judge: Michael W. Fitzgerald

1 In support of their concurrently-filed Replies in Support of Their Motions to
2 Dismiss, Defendants PennyMac Mortgage Investment Trust and PNMAC Capital
3 Management, LLC (collectively, “Defendants”) respectfully request that the Court
4 consider one document: the Adjustable Interest Rate (LIBOR) Act of 2021, H.R. Rep.
5 No. 117-206, pt.1 (2021). A court may take judicial notice of documents outside the
6 pleadings if: (1) the complaint refers to such documents; (2) the documents are “central
7 to the plaintiff’s claim”; and (3) “no party questions the authenticity” of the copies
8 attached to the Rule 12(b)(6) motion. *United States v. Corinthian Colls.*, 655 F.3d 984,
9 999 (9th Cir. 2011); *see also Branch v. Tunnell*, 14 F.3d 449, 454 (9th Cir. 1994)
10 (“[D]ocuments whose contents are alleged in a complaint and whose authenticity no
11 party questions, but which are not physically attached to the pleading, may be considered
12 in ruling on a Rule 12(b)(6) motion to dismiss.”). Additionally, “[c]ourts may take
13 judicial notice of ‘[p]ublic records and government documents available from reliable
14 sources on the Internet such as websites run by governmental agencies.’” *Maxon v.*
15 *Fuller Theological Seminary*, 549 F. Supp. 3d 1116, 1122 (C.D. Cal. 2020) (citation
16 omitted).

17 The attached document is appropriate for judicial notice. Plaintiff’s opposition to
18 the motion to dismiss relies extensively on selective quotes from the legislative history
19 of the LIBOR Act. Defendant’s reply includes a fuller history. “[A] court may properly
20 take judicial notice of legislative history[.]” *Rodriguez v. Ford Motor Co.*, No. 3:23-CV-
21 00598-RBM-JLB, 2024 WL 1223485, at *4 (S.D. Cal. Mar. 21, 2024) (quoting *Stone v.*
22 *Sysco Corp.*, No. 16-CV-01145-DAD-JLT, 2016 WL 6582598, at *4 (E.D. Cal. Nov. 7,
23 2016)).

24
25 Dated: November 4, 2024 Respectfully submitted,

26
27 /s/ Matthew Donald Umhofer
28 UMHOFFER, MITCHELL & KING, LLP
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